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16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 In re EXODUS COMMUNICATIONS, INC. )  
19 SECURITIES LITIGATION )

Master File No. C-01-2661-MMC

) CLASS ACTION

20 This Document Relates To: )

) STIPULATION AND INTERIM

) ~~PROPOSED~~ ORDER

21 ALL ACTIONS. )

**STIPULATION**

Plaintiffs and defendants, through their counsel, submit the following stipulation and proposed interim order concerning the confidential treatment of documents and other materials produced in discovery.

WHEREAS, this matter is a civil class action and the parties have begun to pursue discovery;

WHEREAS, the parties are in the process of negotiating a proposed confidentiality order governing the treatment of confidential information produced in discovery;

WHEREAS, certain parties and non-parties are preparing to produce documents in response to document requests and subpoenas;

WHEREAS, in order to avoid unnecessary delay, the parties have agreed to the entry of an interim order, pending entry of a formal protective order, permitting any party or non-party to designate documents and other materials produced in discovery as confidential;

WHEREAS, the parties agree that pending entry of a formal confidentiality order and except as permitted by the party producing the documents or other materials, documents and other materials designated confidential may not be shown to any person other than counsel and their regular employees;

NOW THEREFORE, the parties hereby stipulate to entry by the Court of an interim order requiring all documents and other materials designated by a producing party or non-party as confidential to be treated as attorney's-eyes-only and not to be shown to any person other than counsel and their regular employees. Without written permission from the designating party or a court order secured after appropriate notice to all interested persons, a party may not file in the public record in this action any materials designated as confidential. A party that seeks to file under seal any material designated as confidential must comply with Civil Local Rule 79-5.

1 SO STIPULATED

2 DATED: March 15, 2006

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Attorneys for Defendants

I, John K. Grant, am the ECF User whose ID and password are being used to file this Stipulation and Interim Proposed Order. In compliance with General Order 45, X.B., I hereby attest that Dhaivat H. Shah and Paul J. Collins, attorneys for defendants, have concurred in this filing.

\* \* \*

**[PROPOSED] O R D E R**

Pursuant to the parties' stipulation, and good cause appearing, IT IS SO ORDERED:

1. Pending entry of a formal protective order, any party or non-party is entitled to designate documents and other materials produced in discovery as confidential.
2. Documents and other materials designated confidential may not be shown to any person other than counsel and their regular employees.
3. Without written permission from the designating party or a court order secured after appropriate notice to all interested persons, a party may not file in the public record in this action any materials designated as confidential. A party that seeks to file under seal any material designated as confidential must comply with Civil Local Rule 79-5.

DATED: March 16, 2006

  
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THE HONORABLE MAXINE M. CHESNEY  
UNITED STATES DISTRICT JUDGE

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